

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: §
§ CASE NO. 13-32851
MANZOOR A. MEMON, §
§ (Chapter 7)
§
DEBTOR §

HAROON SHAIKH, §
§
PLAINTIFF §
§ ADVERSARY NO. _____
v. §
§
MANZOOR A. MEMON, §
§
DEFENDANT §

COMPLAINT OBJECTING TO DISCHARGEABILITY OF DEBTS

Plaintiff Haroon Shaikh objects to the dischargeability of Defendant Manzoor A. Memon's debt to Shaikh and, in support of such objection, respectfully states:

THE PARTIES

1. Plaintiff Haroon Shaikh is an individual who resides in Harris County, Texas.
2. Defendant Manzoor A. Memon is an individual who resides in Harris County, Texas. Memon may be served with summons at his residence, 3810 Bogata Dr., Pasadena, Texas 77505. Memon is the Debtor in this Chapter 7 case.

JURISDICTION AND VENUE

3. This action is brought to determine the dischargeability of debt pursuant to Bankruptcy Code §523(a)(6). This Court has jurisdiction to hear this case pursuant to 28 U.S.C. §1334

and 157. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(I). Venue is proper in this District pursuant to 28 U.S.C. §§1408 and 1409.

BACKGROUND FACTS

4. Memon published a series of defamatory statements against Shaikh. Shaikh then filed a lawsuit against Shaikh to recover actual and exemplary damages for defamation. The lawsuit is *Haroon Shaikh v. Manzoor A. Memon*, Case No. 2010-28636 in the 55th District Court of Harris County, Texas (the “Lawsuit”).

5. The defamatory statements and resulting damages are described in Plaintiff’s First Amended Petition in the Lawsuit, a copy of which is attached hereto as Exhibit A.

6. Following a jury trial, judgment was rendered in favor of Shaikh and against Memon for actual and exemplary damages, together with pre-judgment and post-judgment interest. A true copy of the Final Judgment and Permanent Injunction in the Lawsuit (the “Judgment”), signed October 3, 2011, is attached hereto as Exhibit B.

7. Memon appealed the Judgment. On April 30, 2013, the Judgment was affirmed by the Court of Appeals for the Fourteenth Judicial District of Texas.

OBJECTION TO DISCHARGEABILITY: BANKRUPTCY CODE §523(a)(6)

8. Based on the jury verdict, the Judgment awarded actual and exemplary damages for defamation.

9. The jury found that in making the defamatory statements, Memon acted “with malice,” which was defined as “specific intent by Manzoor Memon to cause substantial injury or harm to Haroon Shaikh.”

10. The Judgment and the debt created thereby thus result from willful and malicious

injury caused by Memon and accordingly are non-dischargeable pursuant to 11 U.S.C. §523(a)(6).

WHEREFORE, Plaintiff Haroon Shaikh prays that summons be issued and that Defendant Manzoor A. Memon be required to appear herein; and that, upon final hearing or trial, judgment be rendered that the debts of Memon to Shaikh, as reduced to judgment in the Judgment, are non-dischargeable pursuant to Bankruptcy Code §523(a)(6).

Dated: July 5, 2013

Respectfully submitted,

By: /s/ H. Miles Cohn

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